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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/087,092 | 03/01/2002 | Anthony C. Bonora | 34741-774 | 1981 |
| 33864 | 7590 | 05/06/2005 | EXAMINER | |
| O'MELVENY & MYERS, LLP 275 BATTERY STREET SUITE 2600 SAN FRANCISCO, CA 94111-3305 | | | FOX, CHARLES A | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 3652 | |

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/087,092 | BONORA ET AL. | |
| | Examiner Charles A. Fox | Art Unit 3652 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 January 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4,8-10,13 and 15-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,4,8-10,13 and 15-17 is/are rejected.
 7) Claim(s) 2 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 October 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is recites the limitation "said second port opening" in line 3. There is insufficient antecedent basis for this limitation in the claim. There is only one port opening mention in claim 1, in the rejection of claim 17 below only the first opening is considered.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,4,8-10, and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Bacchi et al. Regarding claims 1 and 8 Bacchi et al. US 6,281,516 teaches an apparatus adapted to open one or more cassettes for substrates, the apparatus comprising:

a frame (12) including:

a first and a second elongated strut (not numbered);

a structure secured to said the bottom of said struts, said structure providing exterior mounting locations for a plate (14) as well as interior mounting locations for a handling device (400);

a port door storage area located between the two mounting locations (see figure 2);

a container advance assembly (16) having a support plate (24) adapted to receive a cassette (18);

an isolation plate (14) removably mounted to said struts;
a port door (76) movable between a first position and a second position and being adapted to open a mechanical door on said cassette.

Regarding claim 4 Bacchi et al. also disclose that the plates (14) are discretely removable from said frame.

In regards to claim 9 Bacchi et al. also disclose that the mechanism for guiding the port door is secured to the struts via plate (14).

Regarding claim 10 Bacchi et al. also disclose the container advance assembly is adapted to move plate (24) in a substantially horizontal direction between a forward and a rearward position.

Regarding claim 17 Bacchi et al. further disclose a substrate handing device (20) for accessing substrates through said port door opening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacchi et al. in view of Babbs et al. Bacchi et al. teaches an Babbs et al. US 6,570,727 teaches an apparatus for opening two cassettes for substrates, the apparatus comprising:

a frame (12) including:

a first and a second elongated strut (not numbered);
a structure secured to said the bottom of said struts, said structure providing exterior mounting locations for a plate (14) as well as interior mounting locations for a handling device (400);

a port door storage area located between the two mounting locations (see figure 2);

a container advance assembly (16) having a support plate (24) adapted to receive a cassette (18);

a first and a second isolation plate (14) removably mounted to said struts;

a first and a second port door (76) movable between a first position and a second position and being adapted to open a mechanical door on said cassette;

two container advance assemblies adapted to move a plate (24) in a substantially horizontal direction between a forward and a rearward position;

wherein said port door opening devices are secured to the vertical struts via plates (14). Bacchi et al. do not teach placing a third strut in their device. Babbs et al. US 6,520,727 teaches a front end frame (100) for a wafer process machine comprising:

a plurality of vertical struts (not numbered);

plates mounted between said struts;

wherein said plates may have a window (154) therein;

wherein a strut is placed on either side of the plates sealing the front of said device. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Bacchi et al. with vertical struts between each

port as taught by Babbs et al. in order to stiffen the frame between the ports thereby making alignment between the ports more precise as the device is operated.

Response to Amendment

The amendments filed on January 27, 2005 have been entered into the record.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art of Bacchi et al. does not teach or suggest the guide for the port door opener be integral with the vertical struts.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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